

“Act 2” - 8-Hr Redeux(?)

Issues for Designating Areas to Craft Attainment SIPs for 8-Hr Ozone, 8-Hr PM_{2.5}, Haze

Clean Air Act Task Force - Mar 13, 2003

(w/ corrected data for Slinger, Collins, Blakewood)

Parts of this presentation are based on EPA draft materials from January 22, 2003 that are currently undergoing interagency review. The Implementation Rule is not an official Administration proposal at this time but are noted in an official rule support docket.

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Hopes for Today's Session.....

- **Reintroduce the 8-Hr SIP Planning Process and Rough Schedules**
- **Introduce and briefly discuss some key Ozone & PM Designation Issues**
- **Introduce and briefly discuss - EPA's evolving 8-Hr Implementation Strategies**
- **Focus dialogue on ozone designation process and participation - key questions**

Implementing the 8-Hr NAAQS.....

- **Multi-step Process w/ Federal and State Parts**
- **Details still in flux but various deadlines are solidifying - designation first**
- **Integration of technical analyses is occurring...but program paths still separate for ozone and pm-fine**
- **Focus no longer “if”....but “how”....6 years after promulgated**

Key Planning Pieces.....

- **Designations for Ozone & PM-2.5**
- **Regional Evaluations to Establish Control Objectives to reach Attainment**
- **Plan (SIP) Development, Adoption & Approval**
- **Attaining Standards and Redesignation**

Basic Schedule.....

- **Final Designations : 2004**
- **Technical Evaluations : Ongoing**
- **Complete SIP Modeling : ~2005**
- **SIP Submittal(s) Deadline : 2007**
- **Initial Attainment Date(s) : 2009-2010**
(“marginal” ozone would mean 2007)
- **Latest Attainment Date(s) : 2013-2015**

Federal 8-Hr NAAQS Attainment Role

- **Promulgate AQ Standards based on “Criteria” Process (Done...*under Review for Updates*)**
- **Develop Designation Guidance (Done)**
- **Adopt SIP Development Rules (*“almost” proposed*)**
- **Designate Areas (*2004*)**
- **Ensure State/Tribe Attainment Plan Development & Implementation**
- **Assess & Reject/Approve various SIP submittals and adopt into enforceable SIPs**
- **Develop any necessary Federal Plans in absence of adequate State Plans....apply sanctions**
- **Craft, Adopt and Implement Federal Control Programs to address Transport & Attainment Plan Needs beyond state/local/tribe authority or capability**

State 8-Hr NAAQS Attainment Role

- **Monitor AQ, Inventories, Program/Rule Authorities, Technical Planning, Permits**
- **Adopt NAAQS or more stringent Ambient Standards**
- **Inform Public regarding AQ status**
- **Recommend Area Designations under new Stds**
- **Identify control need for timely attainment**
- **Craft Attainment Plans (SIPs)**
- **Adopt and Enforce SIP Control Measures**
- **Submit Adopted Plans for Federal Approval**
- **Monitor Progress to Attainment**
- **Ensure feds and neighbors pursuing their NAAQS planning & control responsibilities to address interstate transport**

8-Hr Designations - Basics

Designating areas -

Clean Air Act - Sec 107(A)(i)

“Nonattainment” - any area that does not meet (or that contributes to ambient air quality that does not meet) the national primary or secondary ambient air quality for the pollutant.

8-Hr Ozone Designation - Basics

- **Designation separate from Implementation Process - CAA language vs Regulation**
- **Designation as Attainment/Nonattainment is separate from the severity classification so not delayed by EPA rule process -- EPA plans to designate classification w/status on 4/15/04**
- **EPA produces final designation based on CAA + guidance + state recommendations**

Ozone Designations - Basics for WI

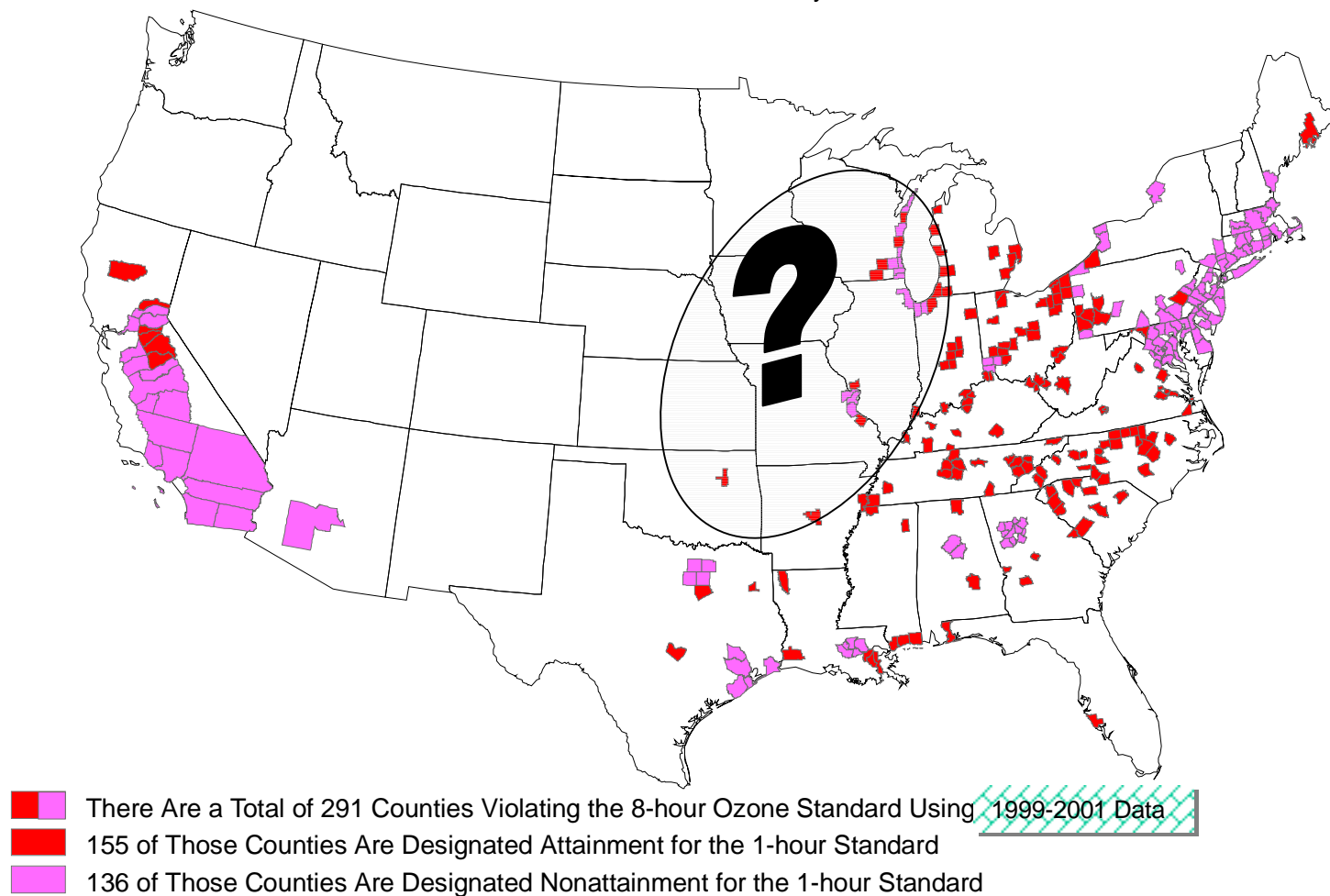
- Designation of an area is supposed to address downwind impact on other area's status - including those within the state
- States like WI with existing 1-Hr NAA's may have areas classified under both Subpart 1 and Subpart 2 - somewhat dif. rules may apply
- “Area” definition & boundary driven by both CAA & active guidance criteria

Designation - Some Key WI Issues

- **Potential “new” WI areas are borderline**
(will see maps shortly!)
- **The designation & SIP development processes are forcing WI to address AOI / AOV issues within our own state as well as in upwind states**
- **WI may want to voluntarily reclassify particular areas to a higher category - for consistent attainment dates & control targets**
- **LADCO states have yet to voice strong interest in defining a “single” Lake Michigan region area for designation**
- **Ultimately, consistent regional modeling will have to show region-wide attainment based on SIPs**

US Counties violating the 8-hr ozone NAAQS

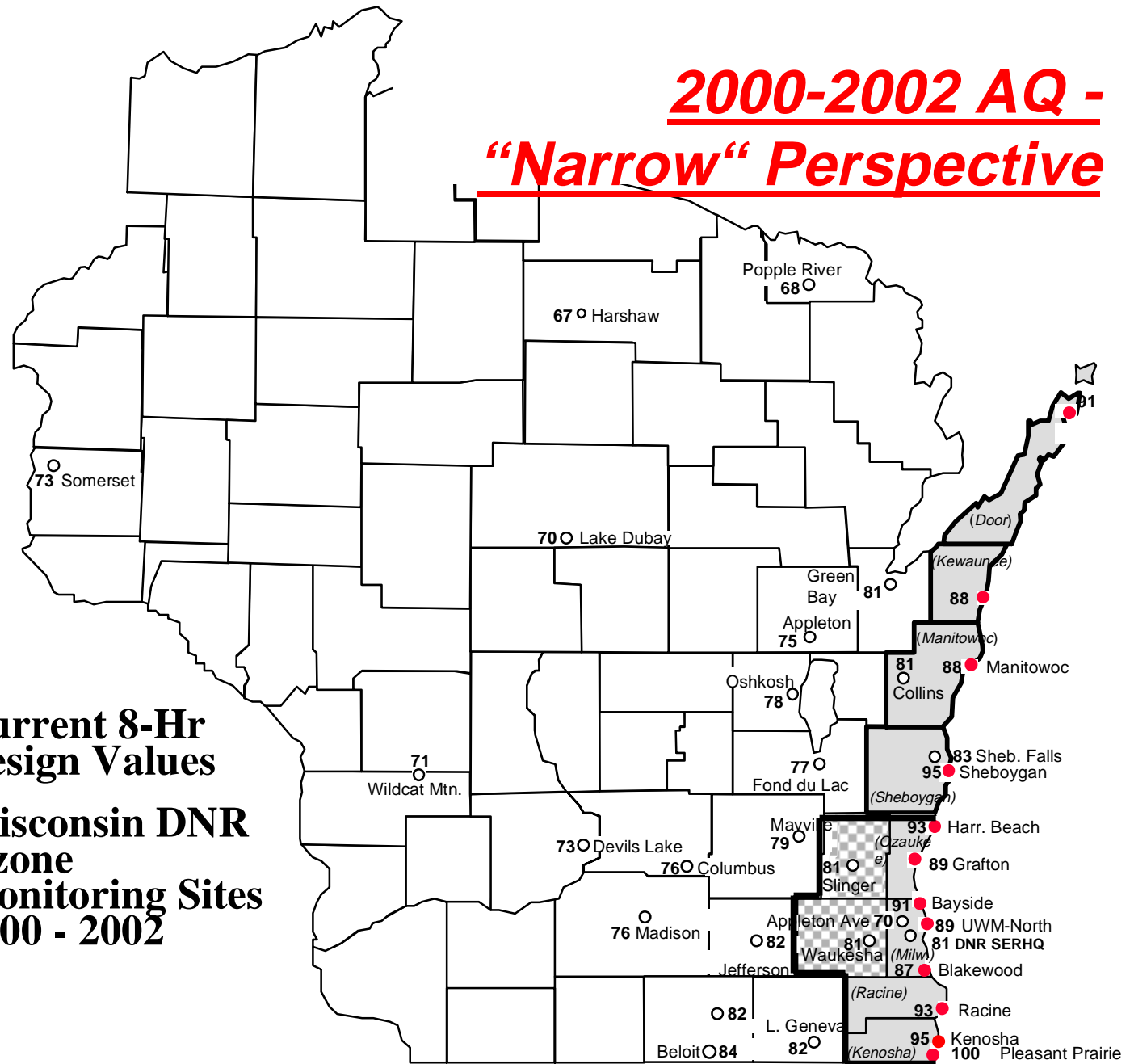
under 1999-2001 data - (2000 was very "cool" ozone year in shaded area)



2000-2002 AQ - "Narrow" Perspective

**Current 8-Hr
Design Values**

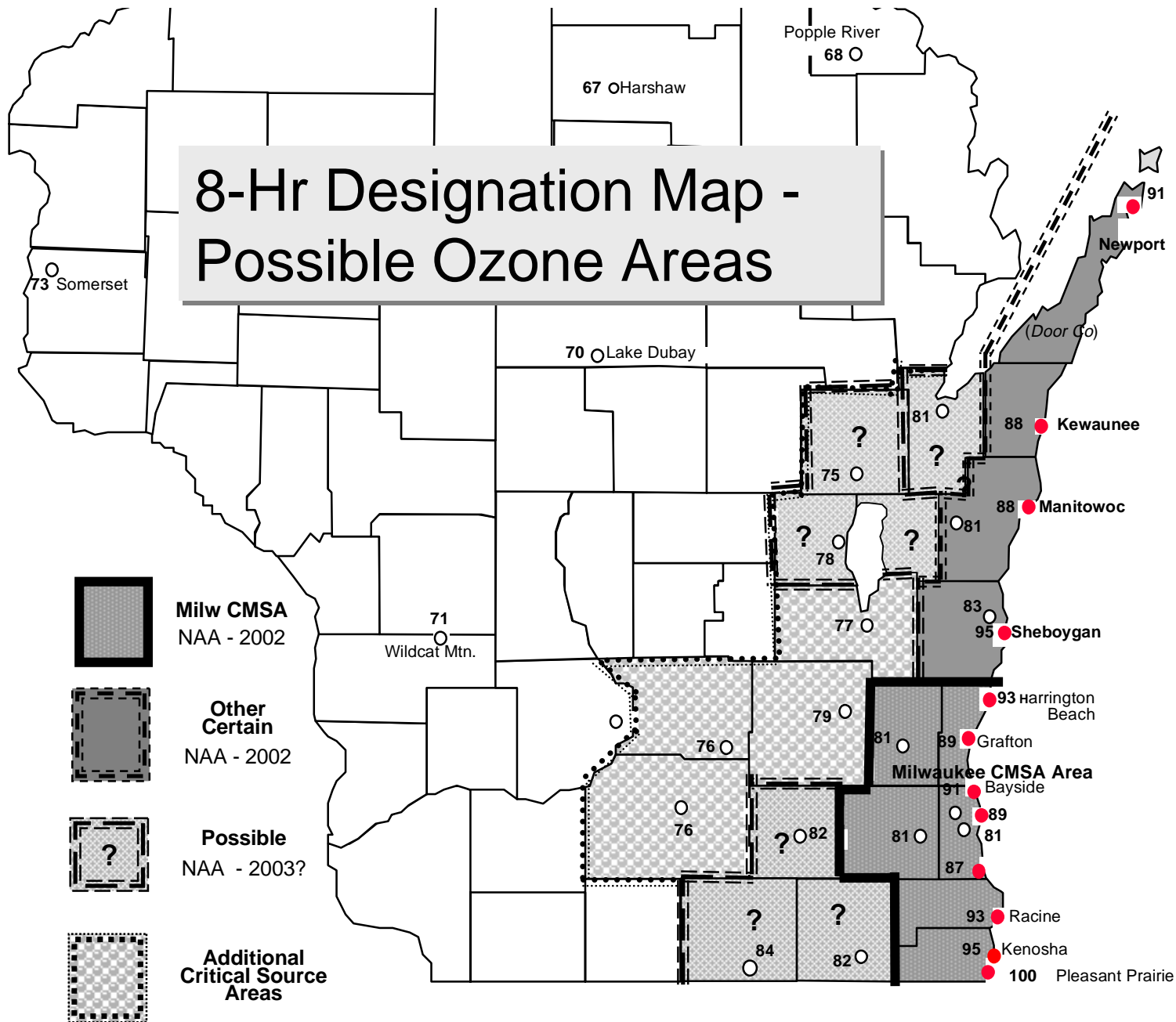
**Wisconsin DNR
Ozone
Monitoring Sites
2000 - 2002**



2 Year "Borderline" Avgs (2001 & 2002)
Producing Significant Uncertainty

- **Green Bay - 86 ppb (Brown Co)**
- **Lake Geneva - 86 ppb (Walworth Co)**
- **Jefferson - 85 ppb (Jefferson Co)**
- **Beloit - 85 ppb (Rock Co)**
- **Oshkosh - 83 ppb (Winnebago Co)**
- **Mayville - 82 ppb (Dodge Co)**

.....For SIP will need to define source area(s) regardless of final O3 status



Average Annual 4th Highest Peak Daily Running 8-Hr Ozone Values ^(a)
(Draft & Unofficial 8-Hr O₃ "Design Values") WI Ozone Monitoring Sites 2000 - 2002

Designation Recommendation Process

- **Starts Now - 2 Step Process w/ EPA**
- **Public Dialogue to address CAA/EPA Criteria**
- **DNR Air Program Proposal w/
NR Board Review to Governor's Desk**
- **“Minimum” default boundary is MSA/CMSA or Rural County where violation monitored**
- **Technical evaluation support for any less stringent alternate to default**
- **Input to upwind state area debates limited but can comment on designation 120 day notice**

8-Hr Ozone - EPA Designation Schedule

Mar/Apr 2003	EPA Publishes proposed implementation rule
July 2003 (latest)	States provide designation recommendations & supporting materials
December 2003	- EPA 120 day proposals & final impl rule - States bring updated input to EPA “draft designation” dialogue
April 2004	EPA signs final nonattainment designations (effective shortly after*)
April-May 2007	Nonattainment area SIPs submitted to EPA (3 years from effective date)
2007-2021	Range of attainment dates - WI area severity suggests 2009-2010 key dates

*** Except for Early Action Compact Areas**

8-Hr Ozone Designation - DNR Schedule

March 2003	- Initiate Dialogue w/ Stakeholders & CAA-Task Force – Share Schedule, Background, Any Decisions, Key Issues
Early April	- Brief Inter-Agency Task Force on Designation Process – Updated Materials
Late April	- Discuss Preliminary Recommendations w/ CAA-TF
Mid-May	- Target Inter-Agency Task Force Meeting on Designation Recommendations
June	- Brief Natural Resources on Recommendations
July 15, 2003	- Governor's Letter to EPA

*** Except for Early Action Compact Areas**

Harmonization of 8-hr O₃, PM_{2.5}, & RH SIPs

- End of 2003 - Finalize Ozone implementation rule
- 2003-2004 - PM_{2.5} implementation rule
- 2004 - Designate areas under 8-hr ozone standard
(after receiving recommendations from states. *Note: The statutory deadline for 8-hour ozone designations has passed, and EPA has negotiated settlement agreement on designations.*)
- 2004 - Designate areas under PM_{2.5} standard
- 2007 - States submit plans for implementing ozone and PM_{2.5} NAAQS (including state rules for emission reductions)



What might “Nonattainment” mean to me?

- **Become formal part of larger attainment planning process - will drive much of outcome**
- **At minimum - subject to conformity and LAER/Offsets NSR**
- **More likely to become part of basic attainment plan control region:**
 - investigate for RACT application to existing facilities
 - if larger urbanized area, investigate if I/M appropriate or required

Developing a “Proposed” Implementation Approach to the New NAAQS - EPA Principles

- incentives for rapid attainment
- reasonable attainment deadlines
- straightforward structure
- consistent w/ CAA & Supreme Court decision
- provide flexibility to states
- *emphasize* national and regional measures to reduce need for more expensive local controls
- smooth transition from 1-hr O₃ NAAQS to 8-hr O₃ NAAQS



Some Implementation Rule topics....

- Area classification & attainment dates
- Timing of designations and classifications
- Transition from 1-hr to 8-hr NAAQS
- Anti-backsliding
- Flexibility vs mandatory controls
- (Regional) Ozone transport issues
- Modeling & attainment demonstrations
- Reasonable further progress (RFP/ROP)
- Reasonably available controls (RACM/RACT)
- Conformity & New Source Review (NSR)
- Optimizing for O₃ & PM-Fine
- Tribal issues



Classification Issue - Addressing Subpart 2 Remand...

TABLE 2 TABLE 1 OF SUBPART 2 1-HOUR OZONE CLASSIFICATION TABLE TRANSLATION TO 8-HOUR DESIGN VALUES					
Area class		CAA design value thresholds 1-hour ozone ppm	% above 1-hour ozone NAAQS	Translated 8-hour design value thresholds ppm ozone	Primary standard attainment date—years after enactment (1- hour std)**
Marginal	from	0.121	0.833	0.085*	3 years
	up to	0.138	15.000	0.092	
Moderate	from	0.138	15.000	0.092	6 years
	up to	0.160	33.333	0.107	
Serious	from	0.160	33.333	0.107	9 years
	up to	0.180	50.000	0.120	
Severe-15	from	0.180	50.000	0.120	15 years
	up to	0.190	58.333	0.127	
Severe-17	from	0.190	58.333	0.127	17 years
	up to	0.280	133.333	0.187	
Extreme	equal to or above	0.280	133.333	0.187	20 years

* The table's lowest value reflects the lowest nonattaining value, viz., 0.085 ppm.

**For 8-hr ozone standard, EPA proposing to interpret the maximum period for attainment starting from date of designation.

Table Reflects one of proposed options for addressing 8-hour ozone area classification and attainment dates.



Addressing Regional Transport

- **EPA/Admin sponsored Legislation**
 - “Clear Skies Initiative” (EGU’s)
- **EPA sponsored Regional Transport Rule**
 - major sources in specified region(s)
 - modeled impact/benefit for PM/O₃/Haze(?)
 - coordination with other policies
- **Continued Mobile Sector Efforts**
 - Focus on “Tier 4” HD Nonroad & Fuels
- **Issues - Timing & Adequate Reductions**

Addressing Reduction Progress Needs

- **Specified Measures (RACT, I/M, Stage 2....etc) in Subpart 2 areas pretty certain based on class & area type (urban/rural) unless counter-productive**
 - (eg - forcing of “absurd” outcomes - high demonstration hurdle)
- **2002 Baseline Year for RFP/ROP Credit**
 - (so NOx & VOC controls going forward creditable to ROP)
- **“Options” in proposal address issues including 15% plans, NOx vs VOC reduction credit, exemptions, etc**
- **Basic approach is still 3%/year unless early reduction compacts and/or attainment shown by 2007**

Primary Issues - *Inter-regional consistency & local controls appropriateness*

.....*You gotta have some*
questions!.....

EPA WEB SITE

[http://www.epa.gov/ttn/naaqs/ozone/
ozonetech/o3imp8hr/o3imp8hr.htm](http://www.epa.gov/ttn/naaqs/ozone/ozonetech/o3imp8hr/o3imp8hr.htm)

